

REMARKS

I. INTRODUCTION

Applicants appreciate the acknowledgement that claims 23-25 and 27 are in condition for allowance and that claim 26 is free of the prior art. Applicants respectfully request reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claim 12 is canceled, without prejudice or disclaimer thereof.

Claims 11, 23, and 26 are currently amended. Support for the claim amendments is found generally throughout the specification and in original claims, *e.g.*, page 32, Scheme 1, and page 33, line 24, through page 34, line 23.

This amendment adds, changes, and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 11 and 23-27 are now pending in this application.

II. THE OFFICE ACTION

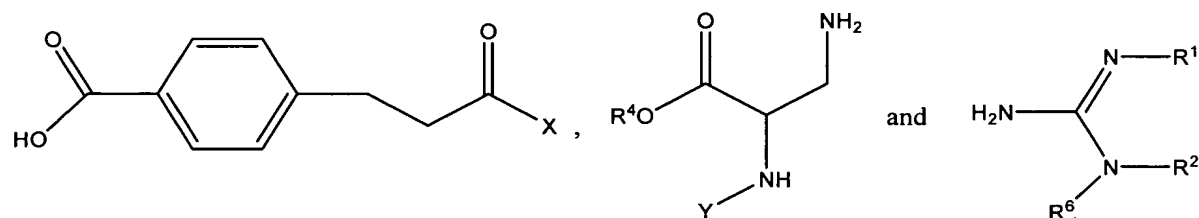
A. Rejections based on 35 U.S.C. § 101-Double Patenting

Claim 12 was rejected under 35 U.S.C. § 101 as allegedly claiming the same invention as claim 11 of the parent application, now U.S. Patent No. 6,313,119. Without acquiescing to the position of the PTO, claim 12 has been canceled, without prejudice or disclaimer thereof. Therefore, the rejection is moot.

B. Rejections based on Obviousness-type Double Patenting

Claim 11 was rejected under the judicially created doctrine of obviousness-type double patenting as allegedly claiming an invention that is unpatentable over claim 11 of U.S. Patent 6,313,119. Applicants respectfully traverse the rejection.

At the outset, it is noted that claim 11 has been amended to define the “one or more fragments which can be derived retrosynthetically from the compound of formula I.” Specifically, claim 11 now defines that the one or more fragments are:



Claim 11 of U.S. Patent No. 6,313,119 does not teach or suggest preparation of the compounds of formula I by linking together the above three fragments. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

C. Rejections based on 35 U.S.C. § 112, second paragraph

Claims 11 and 26 were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Applicants respectfully traverse.

With respect to claim 11, as stated above, “the one or more fragments” have been defined. One skilled in the art, armed with the present specification, would be able to prepare the compounds of formula I with the one or more fragments as defined in the claim using standard organic chemistry techniques. Thus, claim 11 is not indefinite. Accordingly, reconsideration and withdrawal of the rejection of claim 11 are respectfully requested.

With respect to claim 26, the dependency of claim 26 has been changed. Claim 26 is now dependent on claim 23, which provides appropriate antecedent basis for claim 26. Accordingly, reconsideration and withdrawal of the rejection of claim 26 are respectfully requested.

D. Claim Objections

Claim 23 was objected to for providing definitions of R^1 , R^2 , R^3 and R^6 , which are not present in the formula in claim 23. Without acquiescing to the position of the Examiner,

claim 23 has been amended to delete reference to the above recited variables. Therefore, the objection to the claim is moot.

E. Information Disclosure Statement filed October 9, 2001

Applicants have received initialed copies of pages 1 and 2 of the Information Disclosure Statement filed on October 9, 2001, where the Examiner acknowledged the cited documents. However, page 3 of the initialed Information Disclosure Statement has not been forwarded to Applicants. It is requested that the Examiner forward an initialed copy of page 3 of the Information Disclosure Statement filed on October 9, 2001.

III. CONCLUSION

The present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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